



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Seventeenth session

Summary record (partial)* of the 304th meeting**

Held at the Palais des Nations, Geneva, on Monday, 7 October 2019, at 10 a.m.

Chair: Mr. Ayat

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* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 302nd or 303rd meetings.

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The meeting was called to order at 10.10 a.m.

Meeting with States Members of the United Nations

1. **The Chair** said that the Committee's regular meetings with States Members of the United Nations were essential to enable the Committee to support States parties in implementing their commitments under the Convention. Over the past week, the Committee had held constructive dialogues with Slovakia and the Plurinational State of Bolivia. Following lengthy discussions with the representatives of the Plurinational State of Bolivia, the constructive dialogue had finally been conducted by videoconference. He would like to thank the secretariat and conference services for making that possible. While the dialogue had been a success, in his view, videoconferencing could not replace direct contact with a State party's delegation and should only be used exceptionally.

2. At the current session, the Committee had opted to replace its customary one-minute silence in memory of victims of enforced disappearance with the screening of a short documentary in which a mother described her hopes of being reunited with her disappeared son. In doing so, the Committee aimed to show that it remained hopeful that such victims would someday be found again. In addition, the Committee had observed a one-minute silence in memory of Mr. Louis Joinet, human rights defender and promoter of the Convention.

3. The Committee had been preparing for the 2020 review of the treaty body system by conducting internal meetings and by participating in the annual meeting of Chairs of the human rights treaty bodies in June 2019 in New York. The Committee reiterated its support for the Chairs' proposals for the treaty bodies' work to be coordinated, flexible and predictable, which would only be possible with the active support of States. Equally, the Committee and States needed to work together in order to best serve the victims – to be understood in the broadest possible sense – of enforced disappearance.

4. The Committee continued to take a victim-oriented approach to its work. It had now processed over 800 urgent action requests from possible victims of enforced disappearance and had reviewed the reports of approximately half of the States parties to the Convention. Sixteen States parties had not yet submitted their initial reports, with five of them more than five years late. The Committee was also processing additional information on the implementation of the Convention submitted by four States parties under article 29 (4) – an innovative and flexible procedure that could serve as an example to other treaty bodies. The Committee would only review States parties in the absence of a report as a last resort. While the Committee's backlog of work continued to grow, the secretariat's human resources remained insufficient. He called on States to identify sustainable solutions to that problem.

5. The previous week, five of the Committee's members, some of whom had been there since the Committee's creation, had come to the end of their terms of office. Its five new members had already made a substantial contribution to the Committee's work.

6. At its sixteenth session, the Committee had adopted the Guiding Principles for the Search for Disappeared Persons, which had been received favourably by States, and especially by institutions responsible for carrying out investigations into serious human rights violations, including enforced disappearance.

7. In an effort to increase the number of ratifications of the Convention, the Committee planned to promote the 10-year anniversary in 2020 of the Convention's entry into force. It was also considering encouraging States that had signed the Convention to take the next step of ratifying it. The Office of the United Nations High Commissioner for Human Rights (OHCHR) was committed to increasing the number of ratifications, and the Committee called on States to continue their own determined efforts in that regard.

8. **Ms. Labiad** (Morocco), after congratulating Moroccan national Mr. Ayat on his election as Chair of the Committee, said that her country was committed to continue working constructively with the Committee in order to help it fulfil its mandate. In that connection, it had been working with France, Japan and Argentina to try to achieve universal ratification of the Convention and would continue to champion that cause.

Morocco itself had ratified the Convention in 2013. In addition, its Constitution provided that arbitrary or secret detention and enforced disappearance were crimes of the utmost seriousness, deserving of the severest penalties. Also in 2013, Morocco had hosted visits from the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention. In addition, since 2010, it had invited several special procedure mandate holders to visit the country.

9. **Mr. Jaber** (France) said that he wished to reiterate his country's support for the Committee's work and to welcome the adoption of the Guiding Principles for the Search for Disappeared Persons, which would enable States to fight against the phenomenon of enforced disappearance. The Committee's work was needed to reveal the whole truth as to the fate of disappeared persons and support victims' families. Noting that three countries had ratified the Convention in 2019, he said that France would continue, alongside Argentina and the Committee, to campaign for universal ratification.

10. In view of the upcoming 2020 review of the treaty body system, he would encourage the treaty bodies to continue working together to share best practices and harmonize working methods. In addition, in order to ensure maximum coherence of jurisprudence and legal opinion within the international human rights protection system, he encouraged the Committee to increase its dialogue with the other treaty bodies and with regional human rights protection mechanisms.

11. **Ms. Koço** (Albania) said that, by ensuring the effective implementation of the Convention, the Committee was helping to strengthen the protection and promotion of human rights, prevent enforced disappearance, combat impunity and ensure that victims could exercise their rights to justice and reparation. The Committee's meetings with States were useful in that they facilitated the exchange of views and provided States with information on the Committee's activities. Albania was a party to all the United Nations human rights instruments, including the Convention, which it had ratified in 2007. In May 2018, Albania had submitted its initial report, which had proved a valuable exercise in evaluating its progress in implementing the Convention. In order to meet its obligations under the Convention, it was taking a number of steps to improve the country's legal framework; the Committee's concluding observations would help in that regard.

12. Congratulating the newly elected members, she paid tribute to outgoing member Ms. Suela Janina, an Albanian national, for her contribution to the Committee's work over a period of eight years.

13. **A representative of the United Arab Emirates**, noting that his country was not a party to the Convention, said that, given the humanitarian nature of the Working Group on Enforced or Involuntary Disappearances, the United Arab Emirates could not remain indifferent to its work, and cooperated with each of its requests. When a State was informed that an individual had been seen in, or had transited through, its territory, that State was sometimes able, by examining airport records for example, to determine the date on which the individual had left the country. At other times, it was unable to trace the person. In such cases, even though the individual had nothing to do with the country, the latter often remained associated with that individual in the minds of journalists, non-governmental organizations and members of parliament. Such a situation was neither in the country's nor in the Committee's interests. He wondered whether the Committee had reflected on, and would try to address, that problem.

14. **Mr. Ruíz Gayol** (Mexico) said that he noted a gender imbalance within the newly composed Committee, since only 30 per cent of its members were women. States should take that into account when they next nominated and elected candidates to be members.

15. While he understood that using new technology, including videoconferencing, to review States parties was not always technically or logistically simple, he welcomed the Committee's efforts to make use of such technology. Mexico had asked other committees to consider using that method if part of the country delegation was unable to travel to Geneva for financial reasons, in order to ensure that all State institutions were represented in the dialogue with the Committee. He would be interested, therefore, to hear more about how the dialogue with the delegation of the Plurinational State of Bolivia had gone, and wondered whether, in the future, the dialogue with the Committee could be held with part

of the delegation present in Geneva and the other part connected by videoconference in the capital.

16. **Ms. Steenbrugge** (Belgium) said that Belgium was a staunch supporter of the Committee, especially since enforced disappearance was a continuing offence, making the Committee's work different from that of other treaty bodies. As long as perpetrators continued to conceal the whereabouts and fate of disappeared persons, there was an urgent need to trace the victims.

17. Treaty body reform remained a priority for her Government, which attached great value to the independence of the treaty bodies. She welcomed the proposals and decisions set out in the treaty body Chairs' position paper on the future of the treaty body system, including the proposals to align working methods and streamline reporting processes. She would like to encourage all treaty bodies to implement those decisions without delay.

18. **The Chair** said that he welcomed the support expressed for efforts to increase the number of ratifications of the Convention, and for the Chairs' proposals in preparation for the 2020 review.

19. He wished to reiterate the Committee's view that the best way of holding a constructive dialogue was by having direct contact with a country's delegation. Such contact enabled both formal and informal discussions, which all helped a State party to make progress. That was why the Committee intended to use videoconferencing only in exceptional circumstances.

20. Regarding the point raised by the representative of the United Arab Emirates, it was often the mass media that referred to the State where a missing or disappeared person had last been seen. States should bear in mind that the Committee had no control over what the media reported.

21. **Mr. Teraya** said he wished to echo the concerns that had been expressed over the number of States that had ratified the Convention. The goal of the previous United Nations High Commissioner for Human Rights – to double that number in five years – had seemed too ambitious. The goal of the current High Commissioner – namely, for there to be at least a hundred more parties to the human rights treaties as a whole – was more realistic. The three States that had ratified the Convention since the closure of the Committee's previous session were Dominica, Fiji and Norway.

22. Not many States in Asia and the Pacific had ratified the Convention. Protection from the crime of enforced disappearance was a universal value, however, and as such it should be promoted by all. A workshop planned for December 2019 in Bangkok could encourage other States in the region to ratify the Convention.

23. He currently felt the effects of resource restrictions more acutely than at any other time in his three years as a member of the Committee. The financing of the treaty body system should therefore be one of the major components of the 2020 review. He hoped States parties would give proper consideration to the Committee's needs.

24. **Ms. Lochbihler** said that States parties should consider how they could help ensure that, as resources grew increasingly scarce, the Committee could continue to reach its targets. States parties should also contribute to discussions on reforms to the treaty body system, in particular by voicing their support for the Committee's innovative methods of work. In addition, States parties should reach out to other States to encourage them to ratify the Convention, as it could provide additional safeguards even for the people of countries that did not have problems with the crime of enforced disappearance. Although not many States in Asia and the Pacific, as had been noted, had ratified the Convention, the Convention also had relatively few European States parties.

25. **Mr. de Frouville** said that the message he wished to transmit was that States parties should consider themselves motivated by a shared goal and should cooperate with a view to eliminating the crime of enforced disappearance. To that end, they should make use of the mechanisms provided for by the Convention. They could also organize events in which they discussed best practices and other related points.

26. He agreed that States parties should encourage other States to ratify the Convention. The elimination of the crime of enforced disappearance, after all, could be achieved only through the universal ratification of the Convention and the cooperation of all States. It would therefore be useful to organize outreach activities aimed at promoting ratification of the Convention.

27. He hoped that States parties would ensure that the treaty bodies themselves, as well as civil society, were fully included in the 2020 review of the treaty body system. Financial commitments made as part of the review, in particular those pertaining to the resources available to the secretariat, should be honoured. The issue of holding dialogues with States parties by videoconference could be looked into as part of the review. The possibility of having the reports of States parties considered in the State party concerned could also be explored.

28. **Mr. Ravenna** said that the 2020 review was an opportunity to strengthen the treaty body system not only by expanding the scope of the treaty bodies' work but also by ensuring that they had the financial resources they needed. The consideration of requests for urgent action – the submission of which was an innovation provided for by the Convention – was a considerable challenge for the Committee. When the Committee received such a request, the matter remained open until the problem of the enforced disappearance was resolved. States parties should understand that the Committee had a duty towards the victims in that regard.

29. Dialogue with States parties, including the follow-up dialogue made possible by a procedure introduced by the Committee, was key. States parties should therefore understand that having the delegation of a State party speak via video link rather than take places at the Committee table would have to remain an exception. Work on the recommendations that would be transmitted to the State party whose delegation had recently participated in the dialogue with the Committee by videoconference was not yet finished, but the prospects for a satisfactory outcome, which had been improved by considerable preparation, were bright.

30. **Ms. Villa Quintana** said that she wished to highlight the importance of continuing to insist on the universal ratification of the Convention. States parties should encourage the States that had signed but not ratified the Convention to ratify it as soon as possible. States parties that had held constructive dialogues with the Committee should act on the recommendations it had made.

31. As the Chair had noted, five States parties had not yet submitted their initial reports. The timely submission of reports was a token of the seriousness with which a State viewed the obligations it assumed on ratifying the Convention.

32. The recently adopted Guiding Principles for the Search for Disappeared Persons did not create new rights or obligations; they were simply a new tool that facilitated the efforts made by States to locate disappeared persons. The Guiding Principles also stressed the importance of treating the family members of disappeared persons decently and developing clear search protocols.

33. The 2020 review, as had been noted, provided an opportunity to make the treaty body system more robust; however, it was also a chance to help States make sure that the human rights instruments to which they were parties, the Convention in particular, were of direct significance to their people.

34. **Ms. Kolaković-Bojović** said that the need to raise awareness of the Convention and increase the number of States parties thereto had been a constant topic of discussion. Awareness-raising campaigns were expensive, however. While it was understandable that there was not a specific budget for raising awareness of the Convention, what was unacceptable was the view that there were no resources at all for such campaigns. Awareness-raising should not be seen as depending on monetary resources alone. The word could be spread through social media, for example, or even face to face. She herself intended to use those avenues and invited others to join her.

35. **Ms. Steenbrugghe** (Belgium) said that Belgium had raised the issue of the financing of the treaty body system in both New York and Geneva, and she was pleased

that a solution for the 2019 shortfall had been found. Belgium would remain vigilant in that regard.

36. **The Chair** said that although a solution to the budget crisis had been found for 2019, thereby averting the threatened cancellation of the sessions of several treaty bodies, the Committee and other treaty bodies were still concerned about the future. The work involved in ensuring that human rights were respected could be costly, but human rights were priceless.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

Meeting with United Nations agencies and mechanisms and intergovernmental organizations

37. **Ms. Svobodová** (Office of the United Nations High Commissioner for Refugees (UNHCR)), expressing gratitude for the opportunity to update the Committee on the work of UNHCR, said that the world currently had 70.8 million forcibly displaced people, the large majority of them in developing countries that struggled to respond to the needs of people seeking refuge. In that context, UNHCR welcomed the Committee's adoption of the Guiding Principles for the Search for Disappeared Persons, which would be a useful tool for dealing with cases of enforced disappearance. In particular, UNHCR welcomed the Committee's focus on asylum seekers, refugees and migrants, its position that States should take coordinated measures to prevent disappearances in cross-border contexts and its insistence that registration at international ports of entry should comply with international standards on non-refoulement, while producing records that facilitated searches in the event of cases of disappearance. The focus on the need to avoid revictimization and ensure that family and community members could participate in searches was also welcome.

38. In many countries, immigration detention was an opaque practice. It was often unclear, for example, how many asylum seekers were detained in a given country. UNHCR was of the view that children, regardless of their immigration status or that of their parents, should never be detained for immigration-related reasons. Detention was not in their best interests.

39. UNHCR was also troubled by increasingly restrictive asylum practices and reports of growing numbers of deportations and other such practices. Those developments forced persons in need of protection to choose migration routes that put them at heightened risk of serious human rights violations.

40. Together with United Nations Member States, UNHCR was organizing the first Global Refugee Forum, to be held in December 2019. The Forum would be an opportunity to work towards achieving the objectives of the Global Compact for Safe, Orderly and Regular Migration. UNHCR welcomed the opportunity to continue working with the Committee, including in the run-up to the Forum, with a view to protecting asylum seekers, refugees and internally displaced and stateless persons from enforced disappearance.

The discussion covered in the summary record ended at 11.50 a.m.